National Security Wiretaps Used in Hill Bombing Probe

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The Justice Department said yesterday that it used national security wiretaps to gather evidence against Leslie Ann Bacon, 20, in connection with her indictment last June for conspiring to bomb a First National City Bank branch in New York.

Miss Bacon, who was held in a Seattle jail 1½ months as a material witness in the March 1 bombing of the Capitol, was overheard in telephone conversations that were tapped on orders of FBI Director J. Edgar Hoover, according to the Justice Department. No court approval was necessary.

Contending that the wiretaps were legal, Attorney General John N. Mitchell said in an affidavit to the U.S. District Court in New York that the telephone surveillance was not specifically directed at Miss Bacon or at any premises in which she had a proprietary interest.

The affidavit, released by Justice yesterday, was in response to a motion filed by Miss Bacon's attorneys that her arrest on conspiracy charges in New York was based on illegal wiretaps here.

Miss Bacon, a former member of the Mayday antiwar group, was arrested April 27 on the rooftop of a Lanier Place NW commune in connection with the Capitol bombing. She was taken before a federal grand jury in Seattle and held in contempt when she refused to answer questions about the bombing.

However, in September, a U.S. Court of Appeals in San Francisco overturned her material witness arrest warrant, ruling that she had not been served with a routine subpoena.

Miss Bacon's attorneys' meanwhile, have asked the Supreme Court to rule that the Seattle grand jury could not use illegally obtained wiretap information to question Miss Bacon about her activities. That appeal followed an admission by the Justice Department that her arrest had been based on a national security wiretap.

Miss Bacon is free on $10,000 bond on charges that she conspired to make bombs and blow up the West Side branch of First National City Bank in Manhattan on Dec. 4, 1970. She also has been indicted by another New York federal grand jury for conspiring to firebomb the same bank.

Miss Bacon, the daughter of a wealthy Atherton, Calif., lumber firm owner, has been living in New York City, according to her former Mayday associates. She has denied involvement in either the Capitol bombing or the alleged bank conspiracy.

In his affidavit Mitchell said disclosure of the details of the government's wiretap would "prejudice the national interest."

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Leslie Bacon as she arrived in San Francisco June 22.